

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
Southern District of West Virginia**FILED**

JUL 13 2011

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West VirginiaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)HCS LLC/ HAGER CONSTRUCTION LLC
5315 Cherry Lawn Road
Huntington, WV 25705

Case No. 3:11-mj-00045

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of West Virginia
(identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before7/20/11

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____.

Date and time issued:

7/6/11 @ 1:50 pm

Judge's signature

City and state: Huntington, West Virginia

Cheryl A. Eifert, Magistrate Judge

Printed name and title

AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

Return		
Case No.: 3:11-mj-00045	Date and time warrant executed: July 13, 2011 6:45am	Copy of warrant and inventory left with: Ruford Hager
Inventory made in the presence of: JAMES O'NEILL		
Inventory of the property taken and name of any person(s) seized: SEE ATTACHED		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <p>Date: <u>07/13/2011</u></p> <p><u>Benjamin M. LaBuz</u> Executing officer's signature</p> <p><u>Benjamin M. LaBuz, SPECIAL AGENT</u> Printed name and title</p>		

ATTACHMENT A

5192 Braley Road, Huntington, WV can be described as a one-story commercial building. The front of the building is constructed with reddish-brown cinder blocks. The main entrance consists of two glass doors. The left door bears "HAGER" on the upper portion of the door and "5192 Braley Road, Huntington, WV" on the lower portion of the door. The right door has no apparent markings. The doors sit beneath an awning that is supported by two white pillars. The side entrance, closest to County Road 60/6 (as listed in Google Maps) is constructed with tan siding and has one white door. To the right of the door is a sign that bears "HCS". The area in front of the door is paved.

The offices of Hager Construction and HCS LLC occupy the same building. The address for HCS is sometimes listed as 5315 Cherry Lawn Road, Huntington, WV. A search of Google Maps shows 5315 Cherry Lawn Road, Huntington, WV and 5192 Braley Road, Huntington, WV as being at the same physical location.

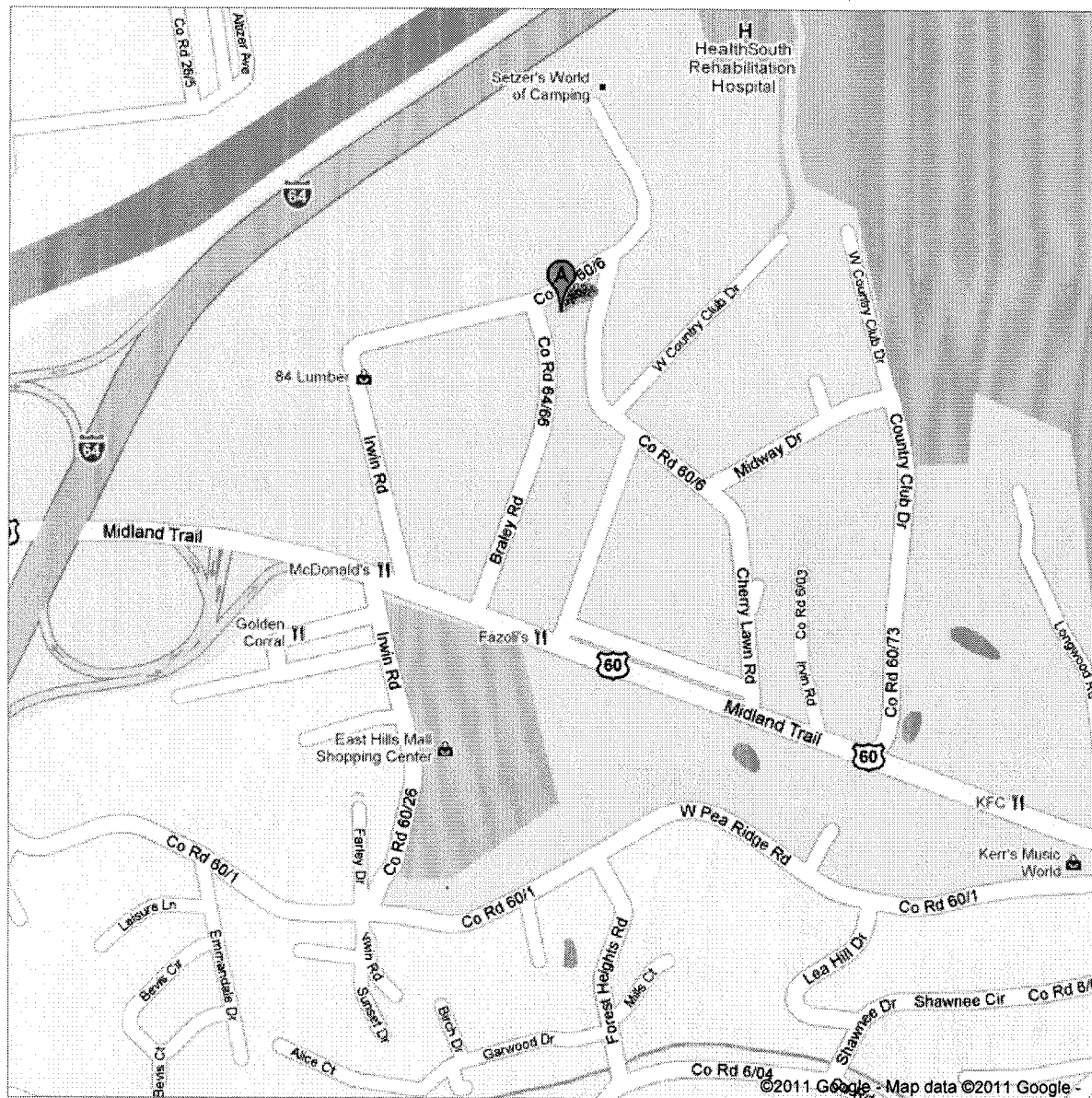
Google maps

Address 5315 Cherry Lawn Rd
Huntington, WV 25705

Get Google Maps on your phone



Text the word "GMAPS" to 466453



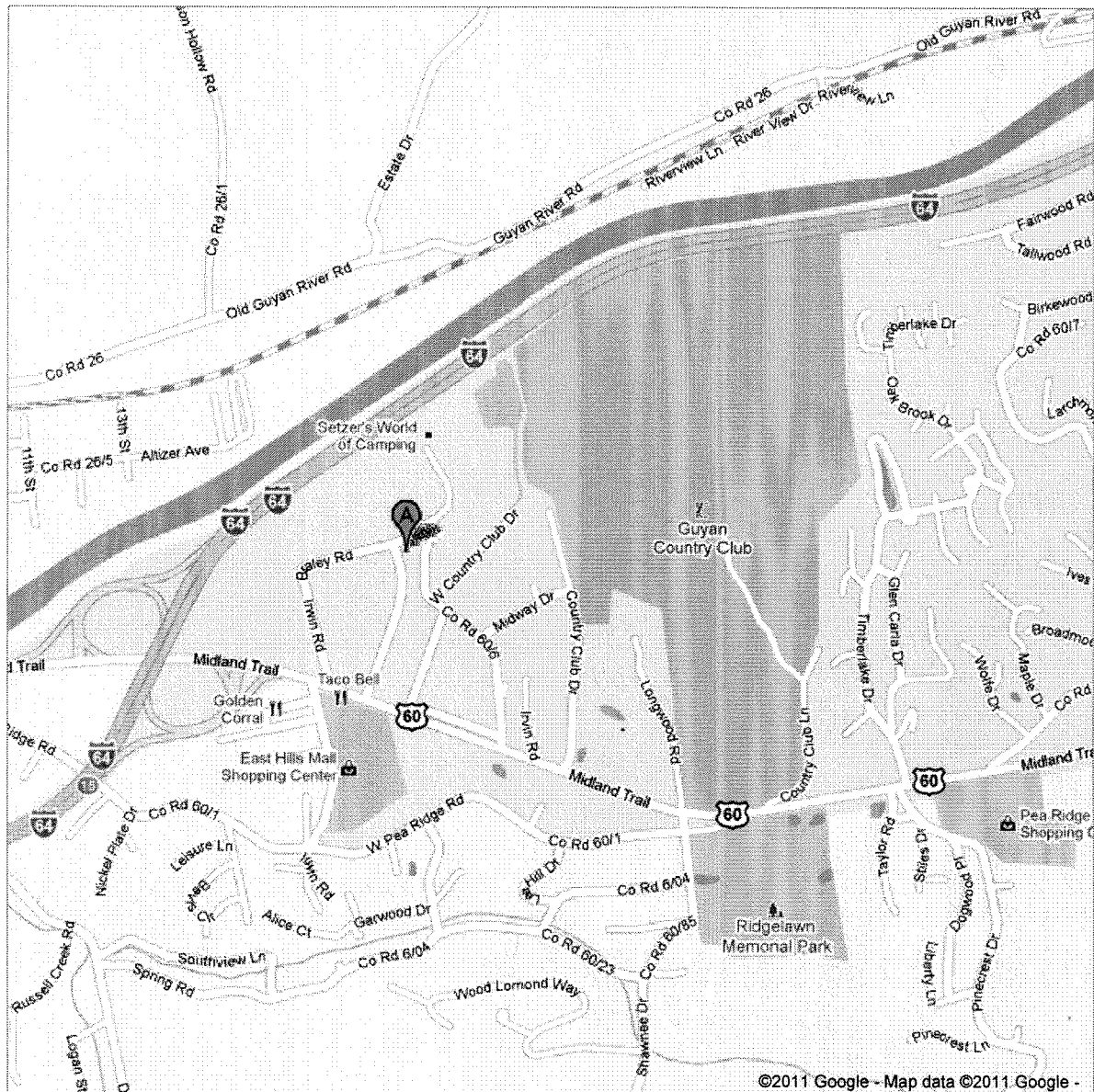
Google maps

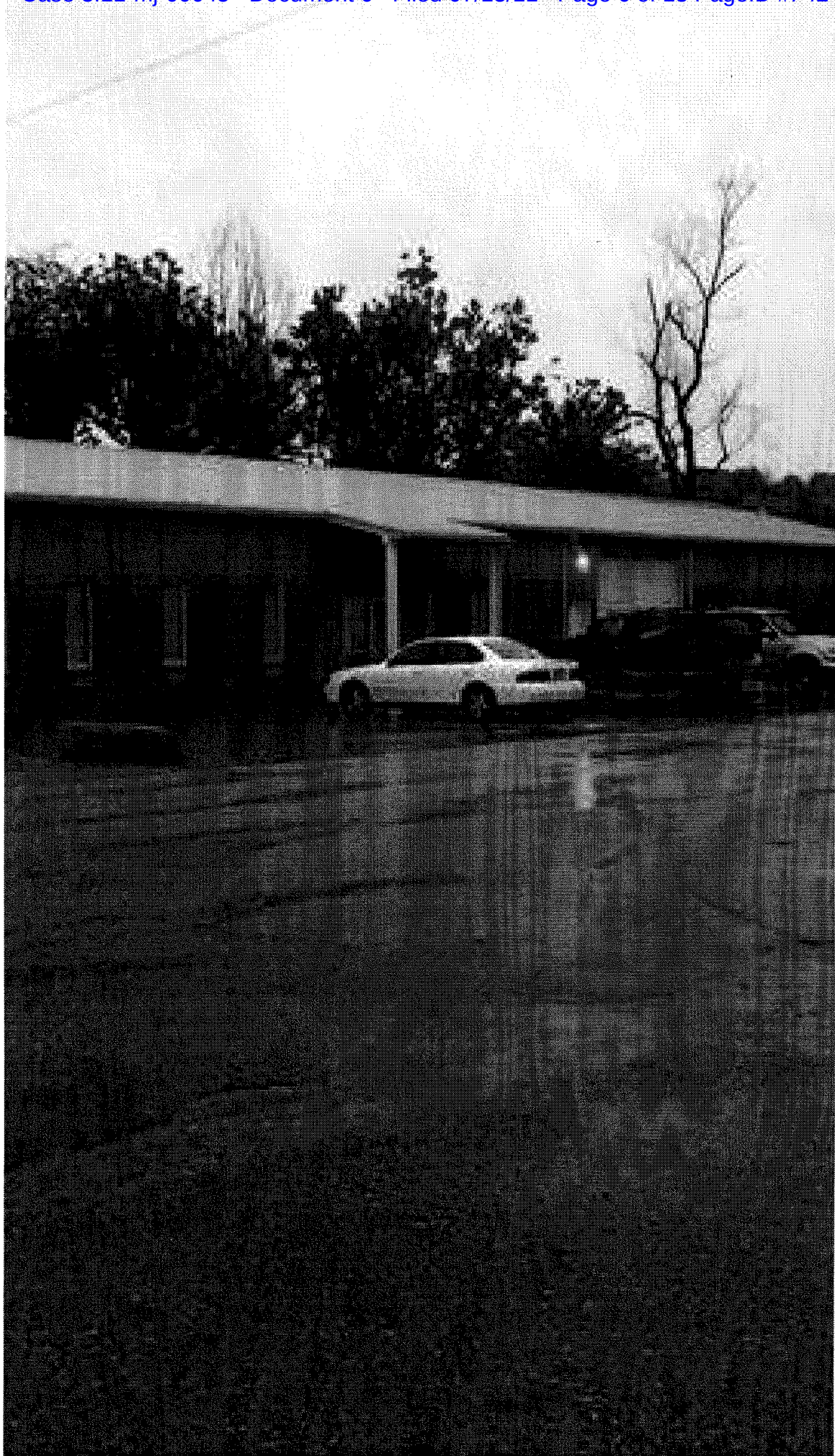
Address 5192 Braley Rd
Huntington, WV 25705

Get Google Maps on your phone

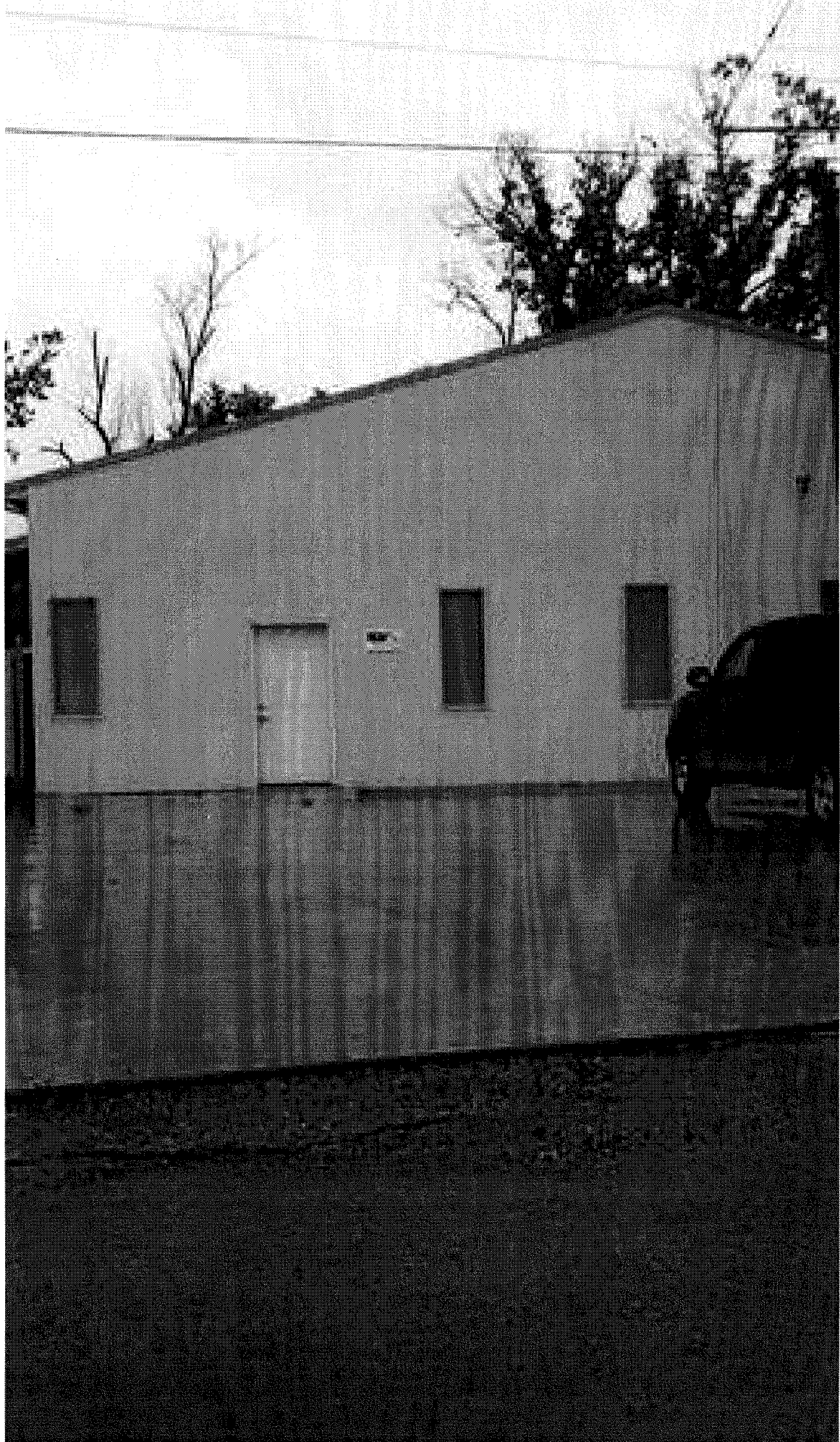


Text the word "GMAPS" to 466453









ATTACHMENT B

1. Any and all business-related records for HCS LLC and Hager Construction LLC (hereinafter, "Hager Construction") used in a scheme by Hager Construction employees to obtain service-disabled veteran owned set-aside contracts through HCS LLC. These records include, but are not limited to:

- a. Business filings with the West Virginia Secretary of State (and/or any other state or territory) for HCS LLC and/or Hager Construction.
- b. State and Federal tax records for HCS LLC and/or Hager Construction, including all financial statements, bookkeeper's and/or accountant's workpapers used in the preparation of corporate records or tax returns.
- c. Payroll records for HCS LLC and/or Hager Construction.
- d. Financial records for HCS LLC and/or Hager Construction.
- e. Handwritten or printed notes regarding HCS LLC and/or Hager Construction.
- f. Correspondence between the Department of Veterans Affairs and HCS LLC.
- g. Personnel files for HCS LLC and/or Hager Construction employees.
- h. Correspondence between Hager Construction and HCS LLC.
- i. Records related to HCS LLC and/or Hager Construction's bonding.
- j. Records submitted to the Online Representations and Certifications Application by HCS LLC and/or Hager Construction.
- k. Records submitted to the Veterans Business Registry by HCS LLC and/or Hager Construction.
- l. Records submitted to the Central Contracting Registry by HCS LLC and/or Hager Construction.

m. Corporate book-keeping records pertaining to HCS LLC and/or Hager Construction, including ledgers, journals, gross receipts and income records, disbursement records and/or journals, accounts receivable and payable ledgers and records, bad debt records, loan receivable and payable ledgers, and all sales and expense invoices including all invoices documenting expenses paid by cash (currency) or bank check (cashier or teller checks) and retained copies of any bank checks (cashier or teller checks).

n. Records related to the ownership of HCS LLC and/or Hager Construction, including corporate minute books, operating agreement, and records of capital contributions, capital accounts, allocations, and distributions to members of the companies.

o. Records related to HCS LLC and/or Hager Construction's contract work with the Department of Veterans Affairs and any other state or federal government agency.

p. Correspondence between the Department of Veterans Affairs and Hager Construction.

2. Any computers or electronic media that were or may have been used as a means to commit the offenses described on the warrant, including making false statements, representations, or claims in violation of Title 18 United States Code § 1001.

3. Records and things evidencing the use of the Internet Protocol address 76.26.88.186 to communicate with government websites, including:

a. routers, modems, and network equipment used to connect computers to the Internet;

b. records of Internet Protocol addresses used;

c. records of Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered

into any Internet search engine, and records of user-typed web addresses.

4. As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as hard disks or other media that can store data); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).

5. This search warrant also authorizes the analysis, imaging, and possible seizure of computer equipment and storage devices (collectively, "computer devices") in accordance with the procedure set forth in paragraph 42 of the accompanying Affidavit. If any computer devices are seized and removed from the premises as a result of this warrant, the government will furnish to the issuing Magistrate Judge in writing, every **14 days** after the warrant is returned, a status update regarding the analysis being conducted.

INVENTORY

1. Miscellaneous Hager Financial Documentation, to include but not be limited to financial statements, bank and money market statements, taxes/union reports
2. Miscellaneous HCS Financial Documentation, to include but not be limited to taxes and bank statements
3. Transmittal letters and miscellaneous documents for VA construction projects
4. Mailing labels (and folders) for Hager Construction and HCS
5. Resume for Gary Jones
6. DD-214 and VA identification card for William Hoyer
7. Veteran Owned Small Business Verification Checklist
8. Documentation regarding SDVOSB requirements
9. Hager Company Profile Supplement 2009 and CD-RW
10. Liability Insurance – Hager
11. West Virginia Contractor Licenses for Hager and HCS
12. HCS company passwords, email addresses
13. Miscellaneous payroll/time cards
14. Miscellaneous deposit slips and credit card statements
15. Employee files
16. Miscellaneous prior VA bids
17. Correspondence between VA and HCS
18. Miscellaneous joint venture agreements
19. HCS operating agreement
20. HCS meeting minutes
21. Hager bonding documents
22. Miscellaneous ORCA/Fed Biz documents
23. Homeland Security Construction Corporation Employee Information Summary
24. Business cards for Hager, HCS, and Homeland Security
25. Hard copy emails between Hager and Homeland Security
26. Computer forensic image of Dell desktop Optiplex 380 (service tag: GH30FQ1)
27. Computer forensic image of Acer Aspire X1200 desktop (serial number: PTSAROXOO8836014893OO3)
28. Computer forensic image of Dell desktop (service tag: ST4V V47J1)
29. Computer forensic image of a flash card (8GB)
30. Two computer forensic images obtained from Dell Server (serial number: 20V0WB1): (a) Western Digital HDD serial number WCank5908500 (250GB), and (b) Western Digital HDD serial number WCank5842332 (250GB)
31. Computer forensic image of eMachine desktop (serial number: CK85BD0004915)
32. Seagate HDD serial number 3LJ31PRO from Compaq Presario serial number MXK4510CQR (will be returned on July 14, 2011)
33. Western Digital HDD serial number WCAWF1804905 from Dell computer (will be returned on July 14, 2011)
34. Samsung HDD serial number 0527J1AW404175 from computer type H.P. (will be returned on July 14, 2011)

35. Western Digital HDD serial number WCASY5083679 from desktop computer (will be returned on July 14, 2011)